



Muddy Creek and Lake Creek Restoration Project Decision Notice

United States
Department of
Agriculture

Forest
Service

October 2019



Laramie Ranger District

**Medicine Bow-Routt National Forests and Thunder Basin National
Grassland**

**Albany County, Wyoming
T13-13N R78-79W**

Responsible Official:

**Frank E. Romero
Laramie District Ranger**

**For Further Information
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Summary

This Decision Notice authorizes the implementation of the restoration of the conditions in the Muddy and Lake Creek watersheds analysis area. The decision is based on and supported by the analysis documented in the Muddy Creek and Lake Creek Restoration Project Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), completed in July 2019. My decision to implement the proposed action is a travel management decision to remove National Forest System roads 553 and 588 from the National Forest road and trail systems and implement active restoration methods to restore watershed condition and function in Muddy Creek, Lake Creek, and the associated wetlands and riparian areas.

Purpose and Need

The purpose of the project is to manage motorized travel and restore ecological function and improve stream health along NFSRs 553 and 588 in Muddy and Lake Creeks in order to be consistent with the desired conditions and objectives outlined in the Forest Plan¹. More specifically, the project purpose is to improve wetland, stream, and watershed conditions and fish and wildlife habitat by restoring damaged natural areas. The project is needed for the following reasons:

- Streambank erosion, channel incision, damage to riparian vegetation, and altered hydrologic processes are widespread in the analysis area; and
- Increased, unmanaged off-highway vehicle use has caused extensive rutting, erosion, and soil loss, negatively impacting hydrologic and biological resources.

Project Area and Existing Condition

Both National Forest System roads 553 (Muddy Creek Road) and 588 (Lake Creek Road) are adjacent to stream courses for almost their entire lengths. Both roads have caused resource damage including at least a dozen over-widened stream crossings, a multitude of riparian and wetland “mud bog” sites with extensive rutting up to 6 feet deep, poor erosion control leading to sedimentation into the streams and wetlands, and widening of existing road surface to avoid mud holes. The localized effects of these impacts include widening and incising of the channel, loss of productive soil and organic matter from the landscape, and destruction of terrestrial and riparian vegetation. Resource damage occurs along a total of 8 miles. Both roads are currently closed under an emergency closure order due to the extent of resource damage.

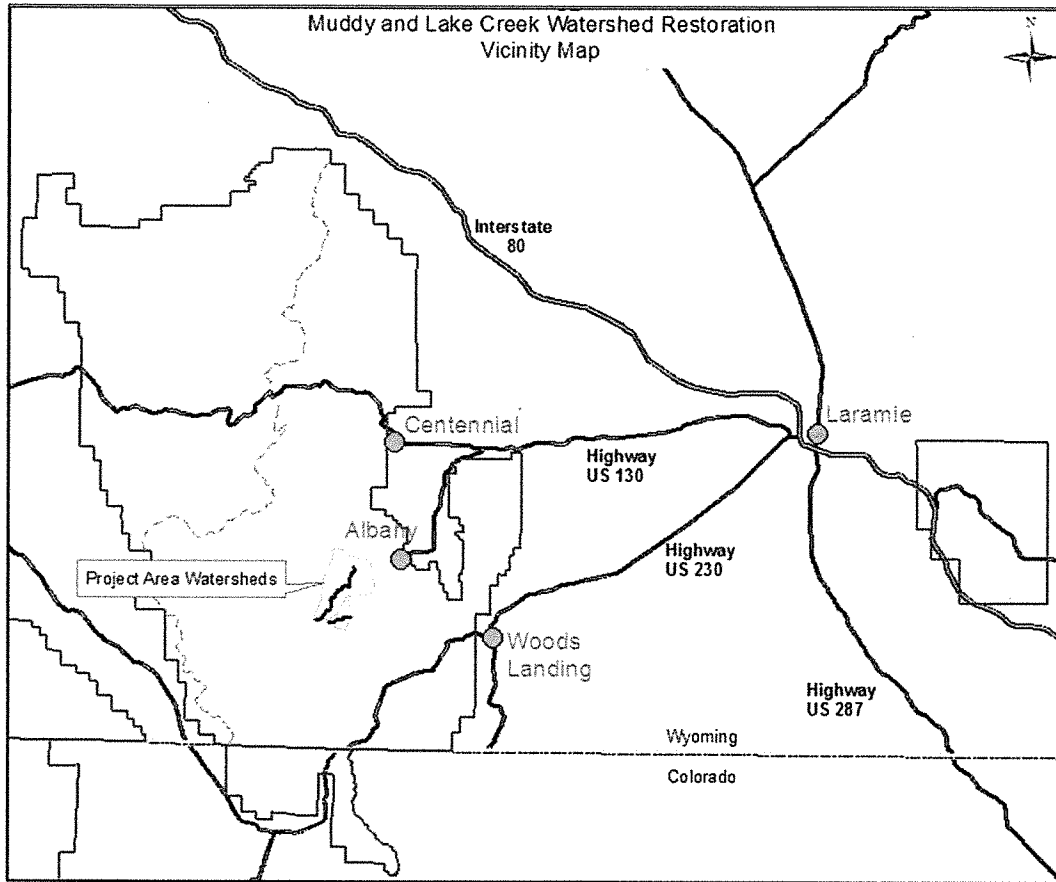


Figure 1. Muddy Creek and Lake Creek Watershed Restoration Project Vicinity.

Public Involvement and Scoping

The proposal was initiated in February 2014. The project was first posted to the Medicine Bow-Routt National Forests schedule of proposed actions in July 2014. On July 24, 2014, a notice of proposed action was sent to approximately 40 individuals and organizations, including State and local land management agencies, Tribal leads, recreation user groups, and other interested parties. Another news release, soliciting public feedback on the project and beginning a formal comment period was released on July 27, 2014. Publication of the notice of proposed action in the Laramie Boomerang was the start of the 30-day formal public comment period.

Twenty-three comment letters were received. The comments did not describe any unresolved conflicts but were used to refine the proposal described in the notice of proposed action. The interdisciplinary team further refined the proposed action based on additional research and field reconnaissance. Four main issues were raised by the public. None led to the development of additional alternatives.

- Road densities and degraded roads in and near the project area lead to degradation of both terrestrial and aquatic habitats.
- Road closure would result in a loss of recreational access for both motorized and non-motorized activities, specifically mentioned was access for older adults and people with disabilities.

- Road closure or conversion to trail would result in a loss of motorized access for people with mining claims in the area.

The interdisciplinary team analyzed the issues in specialist reports and a summary of the analyses is in chapter 3 of the environmental assessment.

Decision

Based on my review of all alternatives, the analyses documented in the EA, direction in the Medicine Bow National Forest 2003 Revised Land and Resource Management Plan, and the comments received from interested public, it is my decision to implement the **Proposed Action to fully close and decommission roads 553 and 588 with maximum restoration.**

Decision Description

My decision to implement the proposed action is a travel management decision to remove National Forest System roads 553 and 588 from the National Forest road and trail systems and implement active restoration methods to restore watershed condition and function in Muddy Creek, Lake Creek, and the associated wetlands and riparian areas. My decision will close and decommission both roads, install physical barriers to prevent unauthorized motorized vehicles from driving on the decommissioned routes, and implement the restoration treatments summarized below and in the environmental assessment. Specific treatments applied along the roadways will depend on the type of damage which may include but is not limited to the following:

- Stream Water Recapture: Where the stream is no longer flowing down the natural channel and has been captured by the road bed or other non-natural feature, measures would be taken to redirect flow back into the original channel.
- Stream Channel Crossing Repair: This treatment would reduce the stream channel width at road crossings and stabilize the streambanks to prevent future erosion.
- Meadow/Wetland Crossing Repair: Compacted and eroded meadow and wetland crossings occur throughout the project area. This treatment would use equipment to elevate the surface of low points to at or near surrounding meadow elevation.
- Erosion Control: Areas where the road is eroding or has improper drainage would be treated with equipment to direct flow off of the road surface.
- Revegetation: This method would be used to encourage the establishment of native vegetation on denuded or otherwise bare areas through the use of transplanting local plants, planting container stock, seeding manually or with seeding equipment, or the use of locally harvested willow sprigs or other native plant material.
- Passive Restoration: Some areas may call for simply reducing or eliminating the sources of degradation and allowing recovery time.
- Manual Repair: This treatment would address areas where the desired condition can be achieved by hand methods. This would involve using hand tools to de-compact or smooth surfaces, harvest riparian vegetation for transplant in other areas, and other types of revegetation techniques.

My decision to implement the proposed action will do more to address streambank erosion, channel incision, damage to riparian vegetation, altered hydrologic processes, rutting, erosion, and soil loss than alternatives A, B, and C because it removes motorized travel by closing and decommissioning the two existing routes. The proposed action meets the need for the project described in the environmental assessment. It also addresses a concern about degraded aquatic and terrestrial habitats identified during the public scoping effort. My decision includes design criteria, mitigation measures, and monitoring to meet Forest Plan direction and protect soil and water resources while the roads are being decommissioned and restoration activities are taking place.

Implementing the proposed action will have long-term beneficial impacts on habitat for silver willow, lesser bladderpod, and narrowleaf peatmoss. My decision will benefit fish and amphibians in the long term though there may be short-term effects to individuals while restoration activities are taking place.

Under my decision, the determination for Canada lynx is “may affect – not likely to adversely affect.” The determination for pygmy shrew, American marten, and boreal owl is “may impact individuals, but not likely to result in a loss of viability on the Planning Area, nor cause a trend to federal listing or a loss of species viability rangewide.” The determination for northern goshawk is “no impact.” My decision would have little effect on golden-crowned kinglet habitat and would not cause a net change in the Lincoln’s sparrow or Wilson’s warbler habitat or forestwide population trends.

I recognize my decision to implement the proposed action will change motorized recreation opportunities in the project area; this was a concern identified during public scoping. Opportunities for motorized recreation will decrease slightly; however, open roads in the project area and motorized trails elsewhere on the Laramie Ranger District still provide motorized recreation opportunities. Nonmotorized trail-based recreation opportunities will not change. However, those preferring a nonmotorized trail experience will continue to have access to existing nonmotorized trails in the Snowy Range.

My decision will mean an initial cost to decommission the two roads, but there will be no annual maintenance cost after decommissioning. This will slightly reduce total maintenance and operation costs on the district; however, the overall program would continue to be challenged by deferred maintenance needs on the remaining road and trail systems. Costs of the decommissioning and restoration may or may not be supplemented by partners interested in funding habitat restoration. There have been multiple such partnerships on the Laramie Ranger District over the past decade.

Implementing the proposed action will not affect cultural resources because cultural sites will be avoided and otherwise protected. Vandalism and damage to cultural resources from motorized vehicles should be reduced. Motorized access for sight-seeing will be reduced, but sight-seeing via nonmotorized access will still be possible.

Access for mining claims was a concern raised during public scoping. My decision to decommission National Forest System roads 553 and 588 does not preclude the authorized officer from providing reasonable access, including motorized access, to mining claimants in accordance with the regulations at 36 CFR 228 Subpart A¹.

¹ 36 CFR 228 Subpart A can be found here: <https://www.ecfr.gov/cgi-bin/text-idx?SID=c518d9b3b8e03043379477e8c87cf4f2&mc=true&node=pt36.2.228&rgn=div5>

Other Alternatives Considered

In addition to the selected alternative, I considered three other alternatives. A discussion of these alternatives can be found in the environmental assessment. I did not select alternative A because it does not respond to the purpose and need for the project. Road conditions would continue to decline, and resource damage would continue. Sediment delivery to Muddy and Lake Creeks, wetlands, and riparian areas would continue at current levels or increase as road conditions worsen. Soil would keep eroding from the two roads and resource damage from user-created routes would persist. Under alternative A, the condition of the two roads would continue to deteriorate making typical maintenance techniques ineffective. Annual maintenance costs for the two routes is approximately \$1,500 and maintenance would continue to be deferred.

I did not select alternative B because while sediment delivery would be less than alternative A, some sediment would still end up in Muddy and Lake Creeks, wetlands, and riparian areas. In addition, there would still be encroachment and loss of wetland acres. I would not expect Alternative B to address riparian habitat degradation and loss along the two roads over the long term. After conversion to motorized trails, annual maintenance would still be \$1,290 total for both routes.

I did not select alternative C because even with the narrower trail width, there would still be sediment delivery to Muddy and Lake Creeks, wetlands, and riparian areas, and there would still be encroachment and loss of wetland acres. After conversion to nonmotorized trails, annual maintenance for the two routes would be approximately \$645.

Alternative A: No Action

National Forest System roads 553 and 588 would remain part of the existing designated road system on the Laramie District, Medicine Bow National Forest, as indicated on the unit's motor vehicle use map. Roads 553 and 588 would remain open for public motorized use as maintenance level 2 roads after the emergency closure order expires on July 1, 2020, although closure orders may be continued to protect natural resources. Existing management conditions and natural processes would be allowed to continue. Maintenance on the roads would continue to be limited, occurring perhaps once every decade or two, and the condition of each road would continue to deteriorate making typical maintenance techniques ineffective.

Alternative B: Convert to an Off-highway Vehicle Trail (less than 50 inches wide) with Minimum Restoration

Alternative B would make a travel management decision to change National Forest System roads 553 and 588 from maintenance level 2 roads to off-highway vehicle trails less than 50 inches wide. Minimum restoration work in the watersheds would include rerouting the trails to reduce channel crossings and access to sensitive areas and physical barriers at trailheads and along trails, where needed, to limit use to off-highway vehicles. Restoration techniques would also address stream capture, channel crossings, severely damaged meadow and wetland crossings, highly eroded road surfaces and hand methods for other areas of minor to moderate damage.

Alternative C: Convert to Nonmotorized Trail with Minimum Restoration

Alternative C would make a travel management decision to change National Forest System roads 553 and 588 from maintenance level 2 roads to nonmotorized trails 18 inches wide, appropriate for hikers, bicycles, and horses. Minimum restoration work in the watersheds would include rerouting the trails where necessary to reduce channel crossings and access to sensitive areas and physical barriers at trailheads and along trails where needed to prevent access by motorized vehicles.

Restoration techniques would also address stream capture, channel crossings, severely damaged meadow and wetland crossings, highly eroded road surfaces, and hand methods for other areas of minor-moderate damage.

Conclusion

After considering the environmental effects described in the environmental assessment and specialist reports, I have determined the proposed action will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Implementation

If no objection is received, implementation of the decision may begin on, but not before, the 5th business day following the close of the objection filing period (section 218.12(c)(2)). If an objection is received, implementation may occur immediately following the close of the objection resolution period (section 218.12(a)). Implementation of the Muddy Creek and Lake Creek Restoration Project will begin in 2020 and continue incrementally for multiple years. The project components requiring ground disturbance, heavy equipment use, and/or the construction or improvement of infrastructure will be completed progressively as staff and funds allow.

Project Monitoring

No specific monitoring plan has been established for this project, however two basic types of monitoring will take place throughout project implementation. These are implementation monitoring and effectiveness monitoring. Implementation monitoring evaluates whether treatments are being applied as described in this Decision Notice. Effectiveness monitoring helps determine whether treatments in the project area are maintaining or moving resources and infrastructure toward desired conditions. As project components are accomplished, members of the interdisciplinary team and their employees will be onsite during and after the implementation using their professional expertise to evaluate the success of each effort. Specific project implementation strategies, techniques, or timelines may be revised if monitoring results show unanticipated adverse impacts or indicate more suitable methods for the implementation of the decision.

Findings Required by Other Laws and Regulations

I have determined that the activities approved in this decision are entirely consistent with the Forest Plan, as required by the National Forest Management Act of 1976. The project was designed in conformance with Forest Plan Direction and incorporates appropriate Forest Plan standards and guidelines. The proposal includes monitoring to ensure the project is implemented as proposed. This decision also complies with the procedural requirements of the National Environmental Policy Act of 1969, as amended.

This decision is in compliance with the 2005 Travel Management Rule which requires the responsible official to identify and designate the minimum road system needed for administration, utilization, and protection of NFS lands. The minimum system is the road system determined to be needed to meet resource and other management objectives adopted in the relevant land and resource management plan, to meet applicable statutory and regulatory requirements, to reflect long-term funding expectations, to ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance. Public safety is also a key consideration. This process included incorporating a science-based Travel Analysis Report

(TAR), extensive filed review and public involvement at each stage of the project. Compliance with the 2005 Travel Management, including Subparts A and B, the TAR, and public participation is discussed in length in the Final Environmental Assessment, Chapter 1: Purpose of and Need for Action and Chapter 4: Participation and Consultation.

I have also determined that my decision complies with Executive Orders 11988, and 11990, dealing with floodplains and wetlands. BMPs and the design features described above comply with the Clean Water Act of 1972, as amended, and State of Wyoming Water Quality Standards. This decision is also compliant with the 1872 General Mining Act, 1955 Surface Resources Act as amended, and the Forest Service mining regulations at 36 CFR 228 Subpart A. To comply with the National Historic Preservation Act (NHPA) of 1966, the Forest Service is required to inventory for and assess effects to historic properties for all areas potentially affected by Pole Mountain Travel Management implementation. This project uses the *2009 Programmatic Agreement among the USDA Forest Service, Wyoming Forests, the Wyoming State Historic Preservation Office, and the Advisory Council on Historic Preservation*, for compliance with Section 106 of the NHPA. Specifically, it utilizes Stipulations IV and V as well as Appendix J. Activities associated with this decision have been inventoried and assessed for effects to historic properties. Implementation will not occur until concurrence is received from the SHPO for the activity.

To comply with the Endangered Species Act of 1973, as amended, biological assessments for wildlife, fisheries, aquatic and botanical species were completed. Implementation of this project is not expected to adversely impact any threatened, endangered or sensitive species.

Administrative Review and Objection Rights

A 45-day opportunity to object was provided beginning on July 26, 2019, pursuant to Federal regulations at 36 CFR 218, "Project Level Predecisional Administrative Review Process." One objection was received, an objection resolution meeting was conducted on October 17, 2019, at which time the objection was withdrawn. There will be no further opportunity for administrative review or objection.

For further information about this decision or the objection process, contact:

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Approved by:



Frank E. Romero

District Ranger

Laramie Ranger District

Medicine Bow-Routt National Forests and Thunder Basin National Grassland

10/30/19
Date

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